

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 59th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON STATE ADMINISTRATION**

**Call to Order:** By **CHAIRMAN LARRY JENT**, on April 1, 2005 at 8:00 A.M., in Room 455 Capitol.

#### **ROLL CALL**

##### **Members Present:**

Rep. Larry Jent, Chairman (D)  
Rep. Dee L. Brown, Vice Chairman (R)  
Rep. Veronica Small-Eastman, Vice Chairman (D)  
Rep. Joan Andersen (R)  
Rep. Sue Dickenson (D)  
Rep. Emelie Eaton (D)  
Rep. Robin Hamilton (D)  
Rep. Gordon R. Hendrick (R)  
Rep. Teresa K. Henry (D)  
Rep. Hal Jacobson (D)  
Rep. William J. Jones (R)  
Rep. Gary MacLaren (R)  
Rep. Bruce Malcolm (R)  
Rep. Alan Olson (R)  
Rep. Bernie Olson (R)

**Members Excused:** None.

**Members Absent:** Rep. Mary Caferro (D)

**Staff Present:** Sheri Heffelfinger, Legislative Branch  
Marion Mood, Committee Secretary  
Transcribed by, Lindsey Grovom

**Please Note.** These are summary minutes. Testimony and discussion are paraphrased and condensed.

##### **Committee Business Summary:**

Hearing & Date Posted: SB 288, 3/8/2005; SB 295, 3/8/2005;  
SB 333, 3/29/2005; SB 335,  
3/29/2005; SB 299, 3/8/2005; SB  
418, 3/29/2005

Executive Action: SB 295; SB 335; SB 288; SB 299; SB  
333; SB 418; SB 396; SB 390; SB  
370; SB 109; SB 462

*{Tape: 1; Side: A; Approx. Time Counter: 2 - 16}*

**HEARING ON SB 288**

**Opening Statement by Sponsor:**

**SEN. MIKE COONEY (D)**, SD 40, opened the hearing on **SB 288**, Clarify use of intercap loans.

**Proponents' Testimony:**

**Carroll South, Board of Investments**, stated that the bill simply said that if a State agency wished to make an intercap loan, and any security for that loan included a general fund appropriation or any fee or tax imposed by the legislature, it was State debt. With the accompanying language, this would require a two-thirds vote.

REP. ALAN OLSON left the meeting.

**Opponents' Testimony:** None.

**Informational Testimony:** None.

**Questions from Committee Members and Responses:**

**REP. DICKENSON** asked Mr. South to give an example of what Item #1 on the bill meant. **Mr. South** replied that the motorpool account was an internal fund account because of the charge from other State agencies. A true enterprise account was an account run by a State agency, but the revenue was derived from non-state agencies.

**CHAIRMAN JENT** asked Mr. South if the rationale for Subsection 1 on the bill was simply that when money was being loaned from an enterprise or an internal service fund, they are simply appropriating money from one account to another, rather than incurring debt. **Mr. South** said that was partially correct but enterprise funds did not receive appropriations.

**REP. JACOBSON** wondered if the Secretary of State's Office was an example of an enterprise fund. **Mr. South** responded that he thought they were a little of both, they receive general fund money as well.

**REP. ANDERSON** asked Mr. South if the Board of Investments had the ability up to this point to look at one of the votes and proclaim it to be improper. **Mr. South** replied that in the supplemental bill, there was a \$13 million appropriation to repay the IRIS loan. That loan was initially authorized from the InterCap Program by the legislature.

*{Tape: 1; Side: A; Approx. Time Counter: 16 - 30}*

**Closing by Sponsor:**

The Sponsor closed.

REP. JENT will carry SB 288.

**HEARING ON SB 295**

**Opening Statement by Sponsor:**

**SEN. KELLY GEBHARDT (R), SD 23**, opened the hearing on **SB 295**, Aviation Maintenance Technician Day as a day of observance. He said the bill was to set aside May 24 to honor aviation and maintenance technicians.

**Proponents' Testimony:**

**Steve Jones, Federal Aviation Administration**, handed out information on Charles Taylor, who's birthday was May 24. He also provided a handout explaining Aviation Maintenance Technician (AMT) day.

[\*\*EXHIBIT\*\*](#)(sth69a01)

**Opponents' Testimony:** None.

**Informational Testimony:** None.

**Questions from Committee Members and Responses:** None.

**Closing by Sponsor:**

The Sponsor closed.

REP. HENDRICK will carry SB 295.

**EXECUTIVE ACTION ON SB 295**

**Motion:** REP. EATON moved that SB 295 BE CONCURRED IN.

**Discussion:**

**REP. DICKENSON** wondered if the bill was necessary.

**REP. EATON** thought that anything Montanans could do to modernize themselves was a good thing.

**REP. ANDERSEN** thought the bill was a wonderful undertaking.

**REP. JENT** said he would vote for the bill.

**REP. JACOBSON** thought the bill was a good way to recognize some of the unsung heroes that were behind some of America's great inventors.

**Vote:** Motion carried unanimously by voice vote.

*{Tape: 1; Side: B; Approx. Time Counter: 2 - 11}*

**REP. HENDRICK** will carry the bill.

**HEARING ON SB 333**

**Opening Statement by Sponsor:**

**SEN. FRANK SMITH (D)**, **SD 16**, opened the hearing on **SB 333**, Revise laws relating to school retirement costs from certain Federal funds.

**REP. ALAN OLSON** entered the meeting.

**Proponents' Testimony:**

**Linda Brannon, Indian Impact Schools of Montana**, submitted written testimony.

**EXHIBIT**(sth69a02)

*{Tape: 1; Side: B; Approx. Time Counter: 11 - 22}*

**Opponents' Testimony:** None.

**Informational Testimony:** None.

**Questions from Committee Members and Responses:**

**REP. BROWN** asked the Sponsor if the bill would impact the counties. **SEN. SMITH** said it would to a certain extent but the State could not dictate how and when to use it. **REP. BROWN** asked

if Federal monies were used to hire people, those same Federal dollars were supposed to be used to fund the retirement. **SEN. SMITH** replied that was correct. **REP. BROWN** said that by reverting back to the old way, districts now would be able to employ more people with Federal money, but yet use permissive levies to pay for retirement funds. **SEN. SMITH** replied that there were several ways to do that; it was a school board issue, not a State issue.

**REP. JENT** asked the Committee to look at the handout that they were given that had two court papers attached. He clarified the information with the Sponsor. **REP. JENT** said that it basically was a court order to approve the bill.

**REP. BROWN** said that with the retroactivity, she was concerned that the fiscal note showed zero when there would be a fiscal impact on the county.

**REP. ALAN OLSON** replied that the fiscal note showed the impact on the State General Fund. He said there would be local impact.

**Closing by Sponsor:**

The Sponsor closed.

REP. SMALL-EASTMAN will carry SB 333.

**HEARING ON SB 335**

**Opening Statement by Sponsor:**

**SEN. CAROL WILLIAMS (D), SD 46**, opened the hearing on **SB 335**, Revise laws applicable to blind vendors. She said the primary reason for the piece of legislation was to expand the scope of opportunity for top rate vending facilities on Federal properties, especially on Malmstrom AirForce Base.

*{Tape: 1; Side: B; Approx. Time Counter: 22 - 30}*

**Proponents' Testimony:**

**Dan Burke, Montana Association of the Blind, Montana Business Enterprise Incorporated**, provided a fact sheet in support of SB 335.

**EXHIBIT**(sth69a03)

*{Tape: 2; Side: A; Approx. Time Counter: 1 - 8}*

**Carl Schweitzer, Montana Association of the Blind**, said that the real purpose for bringing the bill was so State and Federal laws were coordinated.

**Donna Harris, Montana Business Enterprise for the Blind**, stood in support of the bill.

**Opponents' Testimony:** None.

**Informational Testimony:** None.

**Questions from Committee Members and Responses:**

**REP. BROWN** asked Mr. Burke if there were any operations currently going on State property. **Mr. Burke** replied that there were vending routes in Helena and Billings. **REP. BROWN** asked about visitor centers. **Mr. Burke** deferred to **Donna Harris** who answered that there were none of those yet. **REP. BROWN** said that over 60% of visitors coming to the State of Montana come through Dillon and Lolo. She thought that those areas needed to be looked at. **Ms. Harris** reported that there were laws preventing spending on interstate highways.

(Some questions from the Committee were inaudible, the Sponsor's answers can be heard on the tape.)

***{Tape: 2; Side: A; Approx. Time Counter: 4 - 7}***

**REP. ALAN OLSON** asked Donna Harris if there was any State money flowing into the program. **Ms. Harris** said there was. **REP. OLSON** asked for the amount and **Ms. Harris** replied about \$40,000.

**Closing by Sponsor:**

The Sponsor closed.

***{Tape: 2; Side: A; Approx. Time Counter: 8 - 19}***

**REP. HAMILTON** will carry the bill.

**HEARING ON SB 299**

**Opening Statement by Sponsor:**

**SEN. KEN TOOLE (D), SD 41**, opened the hearing on **SB 299**, Revise contracting for State services. He said the bill deals with the process and procedures of privatizing of State services. He was trying to get a new process in effect that would hopefully

disclose more information to the public about privatization. **SEN. TOOLE** directed the Committee to Page 1, Line 21 and the definition on privatization.

**Proponents' Testimony:**

**Terri Minnow, MEA-MFT**, said that SB 299 allowed for transparency and accountability in contracting out-of-state services. She said that it also would give the legislature and the public an opportunity to heavily scrutinize privatization of public services to make sure the quality services were protected.

***{Tape: 2; Side: A; Approx. Time Counter: 19 - 23}***

**Tom Schneider, Montana Public Employees Association**, provided an article entitled, "Sweetheart Deals" that have been a result of privatization.

**EXHIBIT**(sth69a04)

**Don Judge, Teamster Local 190**, stated that the bill gave the Legislative Audit Committee more time to view privatization and whether or not there were ways in which the proposed privatization could deliver the same or better services at a lower cost.

**Keith Allen, IBEW**, stood in support of the bill.

**Opponents' Testimony:** None.

**Informational Testimony:** None.

***{Tape: 2; Side: A; Approx. Time Counter: 23 - 30}***

**Questions from Committee Members and Responses:**

**REP. BROWN** referred to Page 1, Line 7 and asked the Sponsor if he had discussed that with the Legislative Auditor. **SEN. TOOLE** replied he had not. **REP. BROWN** said that requiring the Legislative Audit Committee to do something should have been discussed beforehand. **SEN. TOOLE** did not see it as a lot of work.

**REP. BROWN** left the meeting.

**REP. BERNIE OLSON** reiterated **REP. BROWN**'s question to Ms. Minnow. **Ms. Minnow** replied that she had spoken to Scott Seacat who had assured her that he could handle the job and thought it was a good idea.

**REP. BERNIE OLSON** referred to the Transcore situation and wondered if the Sponsor felt that was simply a bad judgment call in view of privatization. **SEN. TOOLE** felt that Transcore was used as an example because it was so dramatic.

**REP. DICKENSON** asked Mr. Schneider to provide insight on privatizing a portion of the Department of Revenue for tax collection. She wondered if there was monetary saving and if it resulted in people being laid off. **Mr. Schneider** did not know the financial side of the issue.

**Closing by Sponsor:**

The Sponsor closed.

**REP. JACOBSON** will carry the bill if concurred.

***{Tape: 2; Side: B; Approx. Time Counter: 3 - 10}***

**HEARING ON SB 418**

**Opening Statement by Sponsor:**

**SEN. BOB HAWKS (D), SD 33**, opened the hearing on **SB 418**, Revise PAC contributions for local government elections.

**Proponents' Testimony:**

**Brad Martin, Montana Democratic Party**, urged support of the bill

**Opponents' Testimony:** None.

**Informational Testimony:** None.

**Questions from Committee Members and Responses:**

**REP. DICKENSON** referred to Page 2, Line 10 and asked the Sponsor if he had said 1,500. **SEN. HAWKS** said that it should be 1,050.

**REP. MALCOLM** asked the Sponsor where some of the offices of conservation districts that didn't follow county lines fall into the program. **SEN. HAWKS** replied that the language would apply strictly to governmental districts.

***{Tape: 2; Side: B; Approx. Time Counter: 10 - 20}***



**REP. JENT** said that the bill stated that the same limits for legislators ought to apply to local elections. **SEN. TOOLE** replied that was correct.

**REP. JENT** asked about a potential amendment. Where the phrase "certain offices" was in the title of the bill, **REP. JENT** asked if the Sponsor was really looking at "county and municipal elections." **SEN. TOOLE** said that was correct.

The next question from Committee was inaudible.

**REP. JENT** wondered if **SEN. TOOLE** thought it was alright if they got together and put together a floor amendment. **SEN. TOOLE** thought that was a good idea.

**Closing by Sponsor:**

The Sponsor closed.

*{Tape: 2; Side: B; Approx. Time Counter: 20 - 30}*

**EXECUTIVE ACTION ON SB 335**

**REP. MALCOLM** asked Dan Burke to demonstrate for the Committee the electronic device that helped him read and to share a presentation. **Mr. Burke** gladly showed the Committee.

**Motion/Vote:** **REP. HENDRICK** moved that SB 335 BE CONCURRED IN. Motion carried unanimously by voice vote. **REPS. BROWN, CAFERRO** and **ALAN OLSON** voted by proxy.

**Motion/Vote:** **REP. HENDRICK** moved that SB 335 BE PLACED ON THE CONSENT CALENDAR. Motion carried unanimously by voice vote. **REPS. BROWN, CAFERRO** and **ALAN OLSON** voted by proxy.

**REP. HAMILTON** will carry the bill.

**EXECUTIVE ACTION ON SB 288**

**Motion:** **REP. JACOBSON** moved that SB 288 BE CONCURRED IN.

**Discussion:**

**REP. JENT** read the audit report for the Board of Investments.

*{Tape: 3; Side: A; Approx. Time Counter: 1 - 11}*

**REP. JACOBSON** stated that the legislative audit was trying to establish the fine line between the different ways the agencies could borrow money. He said the simple majority vote was only for the loans that would be supported by the enterprise or internal service loans.

**Vote:** Motion carried unanimously by voice vote. **REP. BROWN, ALAN OLSON, and CAFERRO** voted by proxy.

REP. BROWN will carry the bill.

**EXECUTIVE ACTION ON SB 299**

**Motion:** REP. HAMILTON moved that SB 299 BE CONCURRED IN.

**Discussion:**

**REP. DICKENSON** said she had placed a telephone call to the Department of Revenue to find out the procedure that had been done. She was waiting to hear back from them.

**REP. BERNIE OLSON** noted that there were no opponents to the bill and Mr. Seacat had okayed the legislation.

**REP. JACOBSON** mentioned that the specific piece of legislation would not add work for the Legislative Auditor. He stated that current law stated that any State agency contemplating privatization, was supposed to contact the Legislator's Audit office.

REP. BROWN returned to the meeting.

***{Tape: 3; Side: A; Approx. Time Counter: 11 - 19}***

**REP. JENT** said that under current law, public hearings by the Audit Committee had already taken place as well as public result of the summary.

**Vote:** Motion carried unanimously by voice vote. **REPS. CAFERRO and ALAN OLSON** voted by proxy.

REP. JACOBSON will carry the bill.

**EXECUTIVE ACTION ON SB 333**

**Motion:** REP. HENDRICK moved that SB 333 BE CONCURRED IN.

**Discussion:**

**REP. ANDERSEN** thought there should be a fiscal note on the bill.

**REP. HENDRICK** agreed but said that the bill would affect local government and not State Government.

**REP. JENT** agreed that the fiscal note should indicate the impact on Local Government. He said that should be brought up on the floor.

**Sheri Heffelfinger** explained what a Local Government fiscal impact statement and how the legislators could request that.

**REP. HENDRICK** wondered where they would make the request. **Sheri Heffelfinger** said that would be done at the Budget Office.

**REP. DICKENSON** said if a fiscal note was requested for the bill, that would basically be showing "...the eggs on our faces" of what was done last session. She said that Federal law was violated and now it needed to come into conformity with Federal law. She said that it may have fiscal impact, but that was the Legislature's fault when they played games with funding.

***{Tape: 3; Side: A; Approx. Time Counter: 19 - 30}***

**REP. HENDRICK** believed the public should understand how the system worked and exactly what was going on.

**REP. JENT** proposed a request for a Local Government impact statement.

**REP. BERNIE OLSON** thought that the public should hear that the Legislature "screwed up" and change before the same thing happened as it did with SB 63.

**Sheri Heffelfinger** stated that the Local Government impact statement was required if it involves a direct expenditure of funds by the Local Government without a specific means to finance it.

**REP. JENT** noted that he would make the request for the fiscal note.

**REP. BROWN** wanted to point out that not all school districts were in the "bind." The districts that get "caught," are the ones who chose to use the retirement.

**Vote:** Motion carried unanimously by voice vote. REPS. CAFERRO and ALAN OLSON voted by proxy.

REP. SMALL-EASTMAN will carry the bill.

**EXECUTIVE ACTION ON SB 418**

**Motion:** REP. HAMILTON moved that SB 418 BE CONCURRED IN.

**Discussion:**

REP. JONES stated why he would vote no on the bill.

***{Tape: 3; Side: B; Approx. Time Counter: 2 - 8}***

REP. JENT asked Gordy Higgins, the County Commissioner, if he had anything to add to the applicability of SB 418 to school elections. Mr. Higgins replied that he thought there would only be one or two high school districts that would be affected by the increase in the limits.

REP. JENT noted that most of the districts were sub-county in size and would be under the second criteria; the \$650 campaign limit. Mr. Higgins replied that was correct.

Additional discussion was inaudible on the tape:

***{Tape: 3; Side: B; Approx. Time Counter: 2 - 4}***

REP. ANDERSEN noted that there were a few counties that had county commissioners that were elected by their district.

Sheri Heffelfinger was not familiar with that.

REP. BROWN wondered if the Committee had ever seen a school board member use a paid ad. She was surprised that people would spend money to campaign for school boards.

REP. JACOBSON said that if nothing were to be done with current law, that would mean that county commissioner candidates could only spend up to \$650 from the political committees. He said that if the language was changed, it would allow those candidates to receive up to \$1,050 from the political committees. He thought that if that was changed, it in turn would provide the big counties the option to allow those commission candidates to receive up to \$1,050.

**REP. BROWN** thought that therein was the problem and there were too many interpretations. She would vote no on the bill.

*{Tape: 3; Side: B; Approx. Time Counter: 8 - 17}*

**REP. EATON** clarified that because of the time constraint, the Committee was not able to offer an amendment to the bill.

**REP. JENT** said that if it was amended on the floor, it would go back to the Senate and they would be asked to concur in the amendments or not concur. If the Senate concurred, the bill would go to the Governor. If not, then there would be a conference committee.

**REP. HENRY** asked for further explanation of the process.

**REP. MALCOLM** thought there were too many holes in the bill and he would vote no.

**REP. HENRY** asked for clarification of the limits of funding.

**REP. JENT** believed it would remain at \$650 if the bill failed.

**REP. DICKINSON** was not present for the vote on SB 418.

**Vote:** Motion failed 8-8 by roll call vote with **REP. CAFERRO**, **REP. DICKENSON**, **REP. EATON**, **REP. HAMILTON**, **REP. HENRY**, **REP. JACOBSON**, **REP. JENT**, and **REP. SMALL-EASTMAN** voting aye. **REPS. CAFERRO**, **DICKINSON**, and **ALAN OLSON** voted by proxy.

#### EXECUTIVE ACTION ON SB 396

**Motion/Vote:** **REP. OLSON** moved to RECONSIDER THE MOTION on SB 396. Motion carried unanimously by voice vote.

[\*\*EXHIBIT\*\*](#)(sth69a05)

**Motion:** **REP. BROWN** moved that SB 396 BE CONCURRED IN.

**Motion:** **REP. OLSON** moved that HB 39604.ash BE ADOPTED.

[\*\*EXHIBIT\*\*](#)(sth69a06)

*{Tape: 3; Side: B; Approx. Time Counter: 17 - 26}*

#### Discussion:

**Sheri Heffelfinger** explained the amendment.

REP. HENRY noted that the bill had been amended twice. She wondered if the new amendment corrected all of that. **Sheri Heffelfinger** replied that this amendment stripped the bill of the previous amendment that took off Section 1 of the bill.

Vote: Motion carried 15-1 by roll call vote with REP. JENT voting no. REPS. CAFERRO, JACOBSON and ALAN OLSON voted by proxy.

Motion/Vote: REP. OLSON moved that SB 396 BE CONCURRED IN AS AMENDED. Motion carried 15-1 by roll call vote with REP. JENT voting no. REPS. CAFERRO, JACOBSON and ALAN OLSON voted by proxy.

REP. BERNIE OLSON will carry the bill.

EXECUTIVE ACTION ON SB 390

Motion: REP. BROWN moved that SB 390 BE CONCURRED IN.

Motion: REP. DICKENSON moved that SB 39001.ash BE ADOPTED.  
[EXHIBIT](#)(sth69a07)

Discussion:

**Sheri Heffelfinger** explained the amendment.

REP. BROWN asked if REP. DICKENSON had asked the Sponsor about the amendment. REP. DICKENSON replied she had not.

REP. DICKENSON noted the reasons why she would like to exempt the incidental committees.

REP. BROWN asked if that would include a single person who had the name 'People for Responsible Government' and threw millions of dollars toward the campaign. She asked if that would be considered an incidental committee. REP. DICKENSON replied that it would not but referred to **Sheri Heffelfinger** who concurred with her as well.

*{Tape: 4; Side: A; Approx. Time Counter: 1 - 12}*

Vote: Motion failed 7-9 by roll call vote with REP. CAFERRO, REP. DICKENSON, REP. HAMILTON, REP. HENRY, REP. JACOBSON, REP. JENT, and REP. SMALL-EASTMAN voting aye. REPS. CAFERRO and ALAN OLSON voted by proxy.

**Discussion:**

**REP. JENT** said that his problem with the bill about putting obligations on candidates particularly legislative and commission candidates was that it would overwhelm them. They had so much to keep up with and this would put a restraint on political speech.

**Vote:** Motion failed 6-10 by roll call vote with **REP. ANDERSEN**, **REP. BROWN**, **REP. HENDRICK**, **REP. JONES**, **REP. MACLAREN**, and **REP. OLSON** voting aye. **REPS. CAFERRO** and **ALAN OLSON** voted by proxy.

**Substitute Motion/vote:** **REP. OLSON** made a substitute motion that **SB 390 BE TABLED AND THE VOTE REVERSED**. Motion carried.

**EXECUTIVE ACTION ON SB 370**

**Motion:** **REP. OLSON** moved that **SB 370 BE CONCURRED IN**.

**Discussion:**

**Sheri Heffelfinger** handed out a definition sheet of the proposed amendments.

**EXHIBIT**(sth69a08)

**REP. BROWN** believed strongly that the whole idea behind the bill needed to be studied. She was disappointed in the Law Enforcement Community who had not brought forth the idea of a study joint resolution to look at what other states were doing, etc.

**REP. JENT** had a question about the State money and whether or not it created an unfunded liability. He got a fact sheet pertaining to that and went through it with the Committee.

***{Tape: 4; Side: A; Approx. Time Counter: 12 - 21}***

**REP. BROWN** stated that the letter being referred to by the Chair was handed out by people who would benefit from the bill. She thought that until a study resolution was done by a very impartial group, this should not "...be the gospel."

**REP. JENT** remarked that the objection of the board was more directed to the character of the work done by the officers than the actuarial soundness of the system.

**REP. MACLAREN** stated his hesitancy of the bill without a study resolution first being done. **CHAIRMAN JENT** noted that a study resolution for the bill would be discussed the following Tuesday.

**REP. DICKENSON** said the county commissioners in several counties were fine with the bill. The uncertainty as to how many folks will want to move over into the sheriff's retirement system and whether it would actually decrease the cost as far as turnover and training presented some concern.

**Vote:** Motion carried 10-6 by roll call vote with **REP. ANDERSEN, REP. BROWN, REP. HENDRICK, REP. JONES, REP. MACLAREN, and REP. MALCOLM** voting no. **REPS. CAFERRO and ALAN OLSON** voted by proxy. **REP. JENT** will carry the bill.

*{Tape: 4; Side: A; Approx. Time Counter: 21 - 30}*

**REP. CAFERRO** entered the meeting.

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**EXECUTIVE ACTION ON SB 109**

**Motion:** **REP. JENT** moved that SB 109 BE CONCURRED IN.

**Motion:** **REP. JENT** moved that SB 010901.ash BE ADOPTED.  
[EXHIBIT](#)(sth69a09)

**Discussion:**

**REP. JENT** explained the amendment.

**REP. BERNIE OLSON** noted that he liked the language of the amendment.

**Vote:** Motion carried unanimously by voice vote. **REP. ALAN OLSON** voted by proxy.

**Motion:** **REP. JENT** moved that SB 109 BE CONCURRED IN AS AMENDED.

**Discussion:**

**REP. OLSON** said that he would vote for the bill.

**REP. BROWN** pointed that **SEN. COBB** came up with his own fiscal note because he believed strongly that it could be done within departments.

**REP. CAFERRO** said that she would vote for the bill because it would be helpful for the legislators especially when HB 2 was being worked on.

**REP. JENT** agreed and would vote for the bill.



REP. HAMILTON asked if the bill would do more than just create another document.

REP. JENT thought it would because it would collect performance measures.

*{Tape: 4; Side: B; Approx. Time Counter: 1 - 9}*

REP. HENRY said it would be much easier for her to make decisions concerning HB 2 ideas if she knew what they were trying to address.

REP. BROWN thought SEN. COBB addressed that.

**Vote: Motion carried unanimously by voice vote. REPS. ANDERSEN and ALAN OLSON voted by proxy.**

REP. BROWN will carry the bill.

**EXECUTIVE ACTION ON SB 462**

**Motion: REP. HAMILTON moved that SB 462 BE CONCURRED IN.**

**Discussion:**

REP. HAMILTON said that there was no backlog as was mentioned in the hearing. He found the bill unnecessary.

REP. JENT said he would not vote for the bill.

**Vote: Motion failed 6-10 by roll call vote with REP. BROWN, REP. JONES, REP. MACLAREN, REP. MALCOLM, REP. OLSON, and REP. OLSON voting aye. REPS. ANDERSEN and ALAN OLSON voted by proxy.**

**Substitute Motion/vote: REP. DICKENSON made a substitute motion that SB 462 BE TABLED AND THE VOTE REVERSED. Motion carried.**

**Other Committee Business**

**Motion/vote: REP. JENT moved LC2353 AS DRAFTED. motion carried unanimously.**

REP. JENT noted that REP. ANDERSEN had suggested a one-word correction and that was to add the word "constructing."

The change was ordered without objection.

**ADJOURNMENT**

Adjournment: 12:05 P.M.

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REP. LARRY JENT, Chairman

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Lindsey Grovom, Transcriptionist

LJ/lg

Additional Exhibits:

**EXHIBIT ([sth69aad0.TIF](#))**